

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

~~United States Courts~~
Southern District of Texas
FILED

MAY 23 2016

David J. Bradley, Clerk of Court

United States of America
v.
GERMAN GOMEZ-VARGAS & EVER LIMA

Defendant

Case No.

H-16-784-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/19/2016 in the county of HARRIS in the SOUTHERN District of TEXAS, the defendant violated TITLE 8 U. S. C. § 1324(a)(1)(A)(iii), an offense described as follows:

Conspiring with others knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, to conceal, harbor or shield from detection; transport, move or attempt to transport or move such alien within the United States by any means in violation of Title 8 United States Code, Section(s) 1324 (a)(1) (A)(v)(I).

This criminal complaint is based on these facts:

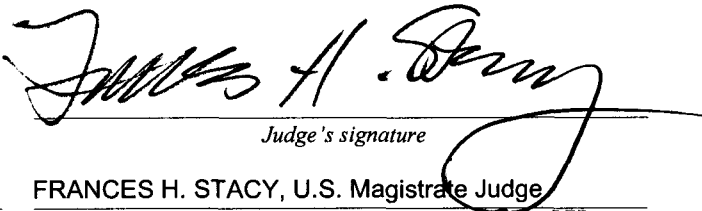
☒ Continued on the attached sheet.


Complainant's signature
JEFF WHITFIELD, Special Agent, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/21/2016

City and state: Houston, Texas


Judge's signature
FRANCES H. STACY, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jeff Whitfield, being first duly sworn, depose and state the following:

1. I am a Special Agent with Homeland Security Investigations (HSI). I have been so employed since 2010. I have training and experience in alien smuggling investigations.
2. The information enumerated in the paragraphs below, furnished in support of this affidavit, is derived from my own observations and the observations of other law enforcement agents.
3. On May 19, 2016, at approximately 11:40 am, the HSI Houston Human Smuggling Group received information from a Source of Information (SOI) indicating that at approximately 11:30 AM, an alleged alien smuggler had checked into the Deluxe Inn, which is located at 8505 North Freeway, Houston, Texas (TX) 77037, with approximately five (5) individuals suspected of being undocumented aliens.
4. The SOI advised that a subject, identified by a Mexican Passport as German GOMEZ Vargas, had exited silver Ford SUV and entered the hotel's reservation office. GOMEZ paid a hotel fee of \$55.00 with a Bank of America MasterCard #5275 1500 2353 0793, to secure room #140 for one (1) night. GOMEZ advised the SOI he would return to pick up the people that same day around 5:00 pm. The SOI then observed GOMEZ enter the silver Ford SUV and drive to the rear of the hotel. The Ford SUV parked near room #140. As the SOI monitored the hotel security cameras, he observed GOMEZ and five (5) unidentified subjects exit the Ford SUV and enter room #140. Moments later, GOMEZ was seen exiting the room and departing the hotel property as five (5) unidentified subjects remained in the hotel room.
5. At approximately 2:00 pm, HSI Special Agents (SA) responded to the Deluxe Inn Hotel and began conducting surveillance of room #140. At approximately 7:30 pm, surveillance units observed the silver Ford SUV, bearing Texas license plate 83H 0069, return to room #140. The driver, GOMEZ, exited the vehicle and entered room #140. Approximately two (2) minutes later, surveillance units observed three (3) suspected UDAs cautiously exit room #140 and enter the back seat area of the silver Ford SUV. GOMEZ re-entered the Ford SUV and began to back out of the parking space as to depart the hotel property. Agents approached vehicle and conducted a brief immigration inspection of all occupants in the vehicle.
6. During the immigration checks, Agents determined the driver, identified as German GOMEZ-Vargas, a citizen and national of Mexico, was illegally present in the United States (U.S.). The seven (7) vehicle passengers were determined to be citizens and nationals of Mexico, Ecuador, Honduras, Guatemala, and El Salvador, all of which were illegally present in the U.S. All seven (7) subjects self-admitted to entering the U.S. without inspection in/at a location not designated as an official U.S. Port of Entry. All seven (7) undocumented aliens (UDA) were administratively arrested for entering the U.S. without inspection. They were later transported to the Houston Immigration Service Processing Centers (SPC) for additional checks and further investigation.

7. GOMEZ-Vargas was separated from the passengers. SA Garza identified himself to GOMEZ-Vargas as a Special Agent with the Department of Homeland Security. SA Garza advised GOMEZ-Vargas that he was being arrested for transporting UDAs. GOMEZ-Vargas' cellular phone received an incoming call from a contact listed as TONY and GOMEZ voluntarily stated that "TONY" was the person who hired him to transport the UDAs. SA Garza read GOMEZ-Vargas his Miranda Rights in the Spanish language which GOMEZ-Vargas verbally waived and agreed to answer any questions without a presence of an attorney. GOMEZ advised the SA Garza that TONY was the human smuggler that he received the undocumented aliens from and that TONY was currently waiting for him at his residence to speak to him about two (2) undocumented females that were not at the hotel. GOMEZ agreed to positively identify TONY and his vehicle at his residence. Agents transported GOMEZ to his residence where he witnessed TONY inside his black Acura MDX. Agents approached TONY's vehicle and conducted a consensual encounter. Agents conducted a brief immigration interview of TONY and discovered determined he was illegally present in the United States. TONY was identified as Ever LIMA. LIMA was administratively arrested and transported to HSI office for processing and interview.

8. SA Garza read and explained to GOMEZ-Vargas his Miranda Rights in the Spanish language. GOMEZ-Vargas signed a voluntary waiver of her Miranda Rights and agreed to speak to SA Garza without an attorney present. SA Garza and SA Jeff Whitfield interviewed GOMEZ in the Spanish language. Agents learned the following from the interview (Non-Verbatim Summary):

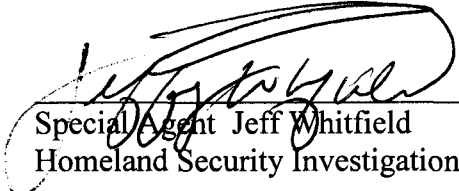
9. GOMEZ-Vargas admitted to transporting the seven (7) UDAs to the hotel for financial gain. TONY advised GOMEZ-Vargas that he was going to pay him approximately \$150 (per UDA) for transporting them to Virginia and Maryland. GOMEZ-Vargas admitted to renting the room at the Deluxe Inn to harbor the UDAs before transporting the UDAs.

10. SA Garza read and explained to LIMA his Miranda Rights in the Spanish language. LIMA signed a voluntary waiver of his Miranda Rights and agreed to speak to SA Garza without an attorney present. SA Garza and SA Jeff Whitfield interviewed LIMA in the Spanish language. Agents learned the following from the interview (Non-Verbatim Summary):

11. LIMA stated he received a phone call from a human smuggler known as "El Gallo" in Mexico on May 18, 2016, and was instructed to pick up six (6) UDA's at a store off I-10. LIMA stated he met a person believed to be a transvestite and picked up six (6) UDA's. LIMA stated he went to McDonalds and bought food for the UDA's and transported them to his house. LIMA stated he let them shower and they slept there overnight.

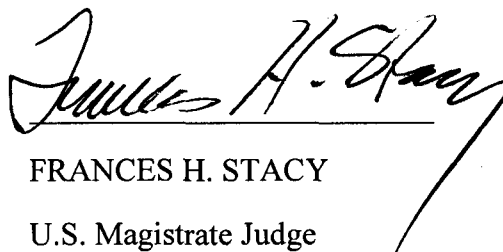
12. On May 19, 2016 at approximately 10:00am, LIMA stated he transported the six (6) UDA's to a Walmart and turned them over to another male. At approximately 5:00pm, LIMA stated "El Gallo" called him and instructed him to pick up four (4) UDA's at Walmart off 610 near the Reliant Stadium. LIMA stated he transported the UDA's to his house. When asked by Agents if he ever called the family members of the UDA's to request money, LIMA stated he called of the UDA's family member requesting \$3,000.00 dollars to be deposited in Money Gram account. LIMA stated he no longer wanted to answer any more questions and requested a lawyer. The interview was immediately terminated.

13. Based upon the evidence gathered from the investigation, I believe there is probable cause to believe that German GOMEZ-Vargas and Ever LIMA violated Title 8, United States Code, Section 1324 (a) (1) (A) (v) (I), conspiracy to harbor and aliens.



Special Agent Jeff Whitfield
Homeland Security Investigations
Houston, Texas

Sworn and subscribed before me on May 21, 2016 and I find probable cause.



FRANCES H. STACY
U.S. Magistrate Judge